

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ORDER

MURPHY, Chief District Judge:

On February 16, 2005, this Court referred this matter to arbitration and stayed these proceedings pending the outcome of such arbitration (Doc. 57). To date, Plaintiff has not pursued arbitration (see Doc. 60). Accordingly, this action is **DISMISSED without prejudice** for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *See Fischer v. Cingular Wireless, L.L.C.*, 446 F.3d 663, 665 (7th Cir. 2006) (leaving the decision whether to warn litigants before dismissing a case to district courts to ensure that dilatory tactics are sanctioned appropriately and to avoid burdening the district courts in their efforts to manage their dockets).

IT IS SO ORDERED.

DATED: 08/24/06

s/ G. Patrick Murphy
G. PATRICK MURPHY
Chief United States District Judge